

CITY COUNCIL MINUTES

June 24, 2013

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, June 24, 2013 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President Connie Robinson presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson.

There being nine (9) members present and zero (0) members absent and nine (9) members representing a quorum, I hereby declare this session of the Common Council officially open.

PLEDGE OF ALLEGIANCE

This evening the pledge of allegiance is led by Councilwoman Mosby.

Fellow Councilmen and those in the audience, welcome to the June 24, 2013 meeting of the

COUNCIL ATTORNEY

This evening Scott Danks is City Council Attorney.

SERGEANT AT ARMS

This evening Officer Offerman is Sergeant at Arms.

READING AND AMENDMENT OF MINUTES

Is there a motion to approve the minutes of the June 10, 2013 meeting of the Common Council as written?

Councilwoman Mosby moved and Councilman Friend seconded the motion to approve the minutes of the regular meeting of the Common Council held June 10, 2013 as written. Voice vote. So ordered.

REPORTS AND COMMUNICATIONS

In Your June 21st Packet:

- *City Council Meeting Agenda for June 24, 2013.
- *Committee Meeting Schedule.
- *Ordinances G-2013-11, G-2013-12, F-2013-8 and F-2013-9.
- *Ordinance F-2013-6 as amended.
- *Report from Weights and Measures.
- *Compliance Reports for Tax Phase-Ins.

EMAILED MATERIAL:

- *City Council Meeting Minutes dated June 10, 2013.

President Robinson: Can I have a motion to receive, file and make these reports and communications a part of the minutes of the meeting?

Councilman O'Daniel moved and Councilwoman Mosby seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2013-11 PUBLIC WORKS

O'DANIEL

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as the 12' portion of alley lying within Block 39 in the Eastern Enlargement of the City of Evansville, the plat of which is recorded in Deed Record E, Pages 415 and 416, transcribed in Plat Book A, Pages 142, 143, and 144, and re-transcribed in Plat Book E, Pages 16, 17, and 18, all in the Office of the Recorder of Vanderburgh County, Indiana excepting that portion of said alley previously vacated as described in Vacation and Openings Record 4, Page 32 in the Office of the Board of Public Works of the City of Evansville, in the City of Evansville, in Vanderburgh County, Indiana

ORDINANCE G-2013-12 PUBLIC WORKS

O'DANIEL

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as a portion of the right-of-way on S.E. 7th Street briefly described as a part of the Eastern Enlargement of the City of Evansville, as recorded in Deed Record E, Pages 415 and 416; transcribed in Plat Book A, Pages 142, 143 and 144; re-transcribed in Plat Book E, Pages 16, 17 and 18 located in the Office of the Recorder of Vanderburgh County, Indiana, in the City of Evansville, Indiana, all in the Office of the Recorder of Vanderburgh County, Indiana.

ORDINANCE F-2013-8 FINANCE

FRIEND

An Ordinance authorizing the issuance of sewage works revenue bonds of the City of Evansville, Indiana; prescribing the form and other details of the bonds; providing for the collection and disposition of the revenues to be derived from its sewerage system; making other provisions with respect to the operation of the system and the issuance and sale of bonds; and providing for the security and payment of the bonds; other matters connected therewith, and repealing ordinances inconsistent herewith.

ORDINANCE F-2013-9 FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville Authorizing repeal and appropriations of funds within various departments (DMD)

President Robinson: Can I have a motion to adopt the Consent Agenda as written?

Councilman O'Daniel moved and Councilwoman Brinkerhoff-Riley seconded the motion to adopt the Consent Agenda as written. Voice vote. So ordered.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2013-9 A.S.D.

RILEY

An Ordinance amending the Municipal Code of the City of Evansville: Subdivision Code

ORDINANCE G-2013-10 PUBLIC WORKS

O'DANIEL

An Ordinance to vacate certain public ways or public places within the city of Evansville, Indiana commonly known as a portion of a public alley and a portion of a public street, all being part of Armory Heights, a subdivision as per plat thereof recorded in Plat Book H, Page 265 in the office of the Recorder of Vanderburgh County, Indiana.

ORDINANCE F-2013-6 as amended FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

ORDINANCE F-2013-7 FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing appropriations and re-appropriations of funds within various departments (DMD)

RESOLUTION C-2013-12 FINANCE

COUNCIL AS A WHOLE

A Resolution of the Common Council of the City of Evansville approving an ordinance of the Vanderburgh County Income Tax Council establishing the Percentage Credit allowed for Homesteads for 2014 and casting the votes of the Common Council of Evansville on said ordinance

COMMITTEE REPORTS:

A.S.D. COMMITTEE:

CHAIRWOMAN RILEY

Councilwoman Riley: Madam President, your A.S.D. Committee met this evening to hear Ordinance G-2013-9 and it comes forward with a do-pass recommendation.

PUBLIC WORKS COMMITTEE:

CHAIRMAN O'DANIEL

Councilman O'Daniel: Madam President, your Public Works Committee met this evening to hear Ordinance G-2013-10 and it comes forward with a do-pass recommendation.

FINANCE COMMITTEE:

CHAIRMAN FRIEND

Councilman Friend: Madam President, your Finance Committee heard Ordinances F-2013-6 as amended and F-2013-7 and Resolution C-2013-12 and all come forward with a do-pass recommendation.

President Robinson: Is there a motion to adopt these committee reports and move these Ordinances and Resolutions to Third Reading?

Councilwoman Mosby moved and Councilman O'Daniel seconded the motion to adopt the Committee Reports and move these Ordinances and Resolutions to Third Reading. Voice vote. So ordered.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2013-9 A.S.D.

RILEY

An Ordinance amending the Municipal Code of the City of Evansville: Subdivision Code

President Robinson: Is there a motion to adopt Ordinance G-2013-9 and call the roll?

Councilman O'Daniel moved and Councilwoman Mosby seconded the motion to adopt Ordinance G-2013-9 and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson.

There being nine (9) Ayes and zero (0) Nays, Ordinance G-2013-9 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2013-10 PUBLIC WORKS

O'DANIEL

An Ordinance to vacate certain public ways or public places within the city of Evansville, Indiana commonly known as a portion of a public alley and a portion of a public street, all being part of Armory Heights, a subdivision as per plat thereof recorded in Plat Book H, Page 265 in the office of the Recorder of Vanderburgh County, Indiana.

President Robinson: Is there a motion to adopt Ordinance G-2013-10 and call the roll?

Councilman Adams moved and Councilwoman Brinkerhoff-Riley seconded the motion to adopt Ordinance G-2013-10 and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson.

There being nine (9) Ayes and zero (0) Nays, Ordinance G-2013-10 is hereby declared adopted

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2013-6 as amended FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

President Robinson: Is there a motion to adopt Ordinance F-2013-6 as amended and call the roll?

Councilman Friend moved and Councilman O'Daniel seconded the motion to adopt Ordinance F-2013-6 as amended and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson.

There being nine (9) Ayes and zero (0) Nays, Ordinance F-2013-6 as amended is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2013-7 FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing appropriations and re-appropriations of funds within various departments (DMD)

President Robinson: Is there a motion to adopt Ordinance F-2013-7 and call the roll?

Councilman O'Daniel moved and Councilman Adam seconded the motion to adopt Ordinance F-2013-7 and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson.

There being nine (9) Ayes and zero (0) Nays, Ordinance F-2013-7 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2013-12 FINANCE

COUNCIL AS A WHOLE

A Resolution of the Common Council of the City of Evansville approving an ordinance of the Vanderburgh County Income Tax Council establishing the Percentage Credit allowed for Homesteads for 2014 and casting the votes of the Common Council of Evansville on said ordinance

President Robinson: Is there a motion to adopt Resolution C-2013-12 and call the roll?

Councilwoman Mosby moved and Councilman Weaver seconded the motion to adopt Resolution C-2013-12 and call the roll.

Councilman Adams: *(Spoke before casting an Aye vote)* I just want to remind us all that we do have to do this every year. It is not just an automatic renewal. We have to renew it every year. I vote Aye.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson.

There being nine (9) Ayes and zero (0) Nays, Resolution C-2013-12 is hereby declared adopted.

MISCELLANEOUS BUSINESS

There will not be a City Council Meeting on Monday, July 1, 2013. The next City Council meeting will be Monday, July 8, 2013 at 5:30 p.m. Committee Meetings will begin at 5:15 p.m. on July 8, 2013.

President Robinson: Shawn Seizemore at GAGE. Tax Phase-In Compliance Report.

Councilwoman Brinkerhoff-Riley: That's close, right? That's close to your name.

President Robinson: What is it?

Shance Sizemore: Shance.

President Robinson: Shance. Oh I'm sorry.

Shance Sizemore: You'll get it one of these days.

President Robinson: No, I'm just trying to get out of here.

Shance Sizemore: I'm Shance Sizemore with the Growth Alliance for Greater Evansville.

President Robinson: Did you get that?

Shance Sizemore: Yeah well, I'll try to be as quick as possible.

I did submit a couple trees to Lynn this past week so in your packets you received a summary spreadsheet of the first group of tax phase-ins compliance.

The CR-1s, real and personal property for the corresponding companies. With those you'll see the second page is a declaratory resolution, or a declaratory page that will be signed by the president saying that you've found the company in compliance or not in compliance. If you find a company that is not in compliance, I will submit a letter asking them to return to the Council meeting next week to submit...or to talk and ask questions too.

If they were below the 98 percentile mark, I have already asked them to present a letter to you guys, which is found in your packet, explaining the reason for the mess. I do not speak for the companies, however, I have worked with companies in the past and I do know some of their reasoning behind it.

If you look at it you will see the three most concerning numbers on there is Kerry, Memorial Town Homes and Mead Johnson. Kerry's is due to *(Inaudible)* so Form 11. Essentially the upgrades to their building didn't change their assessed value of their building. So typically things like changing the roof, dock doors, things like that nature, even though it's an investment to the building, doesn't necessarily change the assessed value because they reduce...the assessed value didn't change the property; they didn't get as much as far as the abatement. However, you can see Kerry has actually hired, I believe, more people than originally estimated.

Memorial Town Homes, that stems from the issue that they, in their original application, they applied for certain properties and the investment was put on properties that weren't in the application, therefore those properties can't be applied to that abatement.

And finally there is Mead Johnson. Mead Johnson, as many of you recall, separated from BMS, or Bristol Meyers, a couple years back. Now they're separate entities; they no longer can claim the Bristol Meyers' employees anymore.

With that, do you have any questions for me? *(Inaudible)* the companies.

Councilman McGinn: No, other than I appreciate the form this is in. This is what, second year, third year you've given us this line by line item and everything...it makes it very easy. The only

thing I do have to say, I mean, for us guys who wear glasses, get this print a little bigger. I had to dig out a magnifying glass.

Councilman O'Daniel: I'm really alright with two pages, right?

Councilman McGinn: Yeah. That's the only thing but I like the order, I like the presentation. Thank you.

President Robinson: Any questions for Shance?

Councilman McGinn: Well done.

President Robinson: Well done. Thank you.

Shance Sizemore: I'll bring the second group in probably a couple weeks.

President Robinson: The 8th?

Councilwoman Brinkerhoff-Riley: Thank you.

Shance Sizemore: What was that?

President Robinson: No, we're not taking anything else on the 8th.

Shance Sizemore: Oh well no, no, no, I'm sorry, the couple weeks, I'm sorry, couple of meetings, not two weeks.

President Robinson: Oh okay. Thank you,

Shance Sizemore: Sorry about that.

President Robinson: Thank you. Is there anything else from anyone in the audience under Miscellaneous Business.

Ms. Whitman...Connie you don't have anything?

Councilman O'Daniel: Can I just say a couple of things real quick?

Connie Whitman: *(Inaudible)*

President Robinson: Okay, thank you. Yes?

Councilman O'Daniel: This is probably something we get monthly and somebody never gets any recognition...Loretta Townsend. She provides us with all the Weights & Measures reports and the like and a lot of times we just look at it quickly and kind of toss it. But you know it really is an important job that she does and, you know, when you look at this, the measuring devices, and you see her little sticker on all the gas pumps and everything else, about 10% of them are rejected. And so she catches those and makes sure that the consumers are getting their

value and the like and so I just want to give her some recognition that sometimes she just doesn't get.

The second thing, I want to, I guess, give some notice to Dan McGinn and Scott Danks. I received an email from a concerned citizen named Jerry Lawrence about a cul-de-sac and basically not having neighbors who were giving him proper concern and caring about his concerns. I know a couple of us reached out to him and tried to answer the questions. I got it wrong and actually learned something as part of it. I know Dan had reached out to Scott and got the right answer and so, you know, I think that's good government at work where we can all work together and try to get an answer and be responsive and I just want to give Dan McGinn his props on that.

President Robinson: Thank you. Is there anything else from any other Council members? Anybody in the audience?

Yes, go ahead Connie.

Connie Whitman: *(Off mike)* Well I was just gonna...

President Robinson: Come to the podium.

Connie Whitman: I'm gonna accept your offer real quick, give you a little status up-date. Connie Whitman, 1780 S. Norman. The DMD was apparently overpaid by the treasurer and I just found that out Thursday. They got my fall tax payment from 2009 and I never got a receipt, no fund transfer memorandum, nothing and Thursday's the first I found out about that and there totally recalcitrant. They won't admit they've made a mistake or do anything so I guess I'm going to have to sue em.

President Robinson: Mr. Schaefer, have you been talking with him?

Connie Whitman: Yeah. Everybody's been very helpful except the Building Commission. So thank you.

President Robinson: Well they report to...I'm sorry, did you have a...

Chief of Staff Schaefer: You mean the Treasurer's Office.

Connie Whitman: Huh?

Chief of Staff Schaefer: You mean the Treasurer's Office.

Connie Whitman: No.

Chief of Staff Schaefer: Everybody's been helpful except the Building...

Connie Whitman: Well the Building Commission, the Treasurer said the Building Commission was overpaid...oops! And the Building Commission says the matter is closed.

Chief of Staff Schaefer: The Treasurer's overpaid...

Connie Whitman: The Building...

Chief of Staff Schaefer: Yeah but the Building Commission...

Connie Whitman: And they said I have to go sue them myself. The Treasurer said I have to go sue em myself.

Chief of Staff Schaefer: Sue who?

Connie Whitman: The Building Commission.

Chief of Staff Schaefer: I don't...I don't think that's right.

President Robinson: Okay, yeah, what makes you...why don't you get back with him again.

Chief of Staff Schaefer: We have. The matter is closed. Just to let you know, we've spent a lot of time on this...

President Robinson: We can't close matters until everybody is happy.

Chief of Staff Schaefer: Seriously...the City...oh, and we have...the fine has been paid. The fines used to be in DMDs control. Those functions have switched to the Building Commission. Since then, the Treasurer's Office, when they assess the penalties, they made the decision to pay...when Connie made all of her payments, they decided to assess some of those payments to those fines.

President Robinson: Okay.

Chief of Staff Schaefer: So we had the Building Commission send Connie a letter basically saying the fines have been paid, you know, it's all...

President Robinson: So everything is taken care of with Connie's house?

Chief of Staff Schaefer:...from the City. Now it's...no, now the County Treasurer...we're trying to get them to waive some of the penalties that are still...they're still trying to make her pay. So it's the penalties...

President Robinson: Okay, so she should probably go to the County Council...the County Commission.

Chief of Staff Schaefer: Commission. And we've...I don't know if Commissioner Kiefer was at...was he at...okay, but they know about it but that's what we've...we're trying to...the City is out of it, it's now we're trying to get the County to get the Treasurer's Office to waive that.

President Robinson: Okay.

Connie Whitman: Actually it's not out of it cause I didn't get my due process and I don't believe I owe 781 to someone for stealing my bricks and lumber and I wasn't given a proper notice, proper amount of days. I was never given due process, Fifth Amendment.

President Robinson: But we have made some progress Connie cause this has been going on for a long time.

Connie Whitman: I'm protesting the whole \$781.00 that they said that I have to pay the DMD

President Robinson: Okay. Thank you, Mr. Schafer, for your help.

Unknown Speaker: *(Inaudible)*

President Robinson: Okay sir, state your name and address.

Larry Samples: I just had a brief question. Larry Samples, 1611 N. Elm. My issue is the stoplight at Lloyd and Vann. My understanding is the original purpose for that light was to let traffic in and out of Roberts Stadium and if you're on the Expressway you know the traffic really backs up at that light. I'm just wondering, with the demolition and the closing of Roberts Stadium, can we now eliminate that light on the Lloyd. Since we are known as Stoplight City, there's a chance to remove a stoplight.

President Robinson: That would be State.

Larry Samples: Does it go to the State traffic...?

President Robinson: That would go to the State.

Larry Samples: INDOT.

President Robinson: Yeah, INDOT.

Councilwoman Brinkerhoff-Riley: Yeah but that makes a lot of...I didn't really think about it until you mentioned it. Now that I picture that intersection that makes sense.

President Robinson: Yeah. Okay, thank you.

Unknown Speaker: *(Inaudible)*

President Robinson: But they still...

Unknown Speaker: *(Inaudible)*

President Robinson: To the what?

Councilman O'Daniel: It's used as a thoroughfare. It's used as a sort of a thoroughfare now and a way of ingress and egress to it. There are no ramps or anything else. Hopefully someday there will be an overpass there.

COMMITTEE REPORTS:

FINANCE COMMITTEE:

Re: Ordinance F-2013-9

Date: July 8, 2013

Time: 5:15 p.m.

Notify: Lisa Angermeier (DMD)

Re: Ordinance F-2013-8

Date: July 8, 2013

Time: 5:20 p.m.

Notify: Ted Ziemer, Jr.

PUBLIC WORKS COMMITTEE:

Re: Ordinance G-2013-11

Date: July 8, 2013

Time: 5:25 p.m.

Notify: Jennifer Elston

Re: Ordinance G-2013-12

Date: July 8, 2013

Time: 5:25 p.m.

Notify: Jennifer Elston

CHAIRMAN JOHN FRIEND

Repeal and Appropriations of funds

Authorizing the issuance of sewage works
revenue bonds

CHAIRMAN CONOR O'DANIEL

Petition to vacate a 12' alley in Eastern
Enlargement

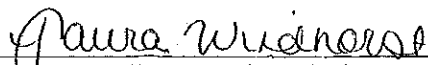
Petition to vacate a right-of-way of
S.E. 7th Street in Eastern Enlargement

ADJOURNMENT

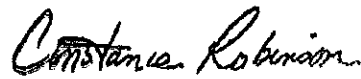
President Robinson: Thank you. Can I have a motion for adjournment?

Councilman Mosby moved and Councilman Friend seconded the motion to adjourn. Voice
Vote. So Ordered.

Meeting adjourned at 6:20 p.m.



Laura Windhorst, City Clerk



Constance Robinson, President